IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1456 OF 2005
IN
SUIT NO.3793 OF 1995

M/s.S.S.Enterprises Plaintiffs

versus

R.Venkataraman & others Defendants

Mr.Tushar Bhavsar i/by M/s.Ranjit & Co. for plaintiffs.

Ms.Seema Gupta i/by A.M.Saraogi & Co. for defendant no.1.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 5th June 2006

PC :

1. The Chamber Summons is to bring the heirs and LRs of the deceased defendant no.1 on record.

2. The Chamber Summons is duly served on the heirs and LRs of the deceased as also other defendants.

3. Perused the affidavit in support and heard learned advocate for defendants.

4. Although Ms.Gupta appearing for deceased defendant no.1 seeks time to take instructions from the heirs and LRs, in my view, no prejudice will be caused by merely bringing them on record in place of deceased defendant no.1. All contentions on merits of the controversy including the alleged liability of the heirs and LRs under the subject agreement are always open for being raised and they shall not be affected in any manner by merely allowing the plaintiffs to implead the heirs and LRs of first defendant. Leaving all contentions including plea of limitation open, present Chamber summons is made absolute in terms of prayer clauses (a) and (b). Amendment to be carried out within two weeks. It would be open for Shri Saraogi to inform the plaintiff's advocate whether he continues to represent the heirs and in the absence of any communication in that behalf, the writ of summons shall be served on the newly added defendants.

(S.C.DHARMADHIKARI, J.)